

**CHILD AND ADULT CARE FOOD PROGRAM
APPEAL PROCEDURES FOR
CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES
REVISED FEBRUARY 6, 2008**

7 C.F.R. § 226.6(k)(5) governs appeals described in 7 C.F.R. § 226.6(k)(2) in the Child and Adult Care Food Program that are subject to administrative review by the state agency and the maximum time limit for processing appeals is sixty (60) days for the Child and Adult Care Food Program as follows:

1. 7 C.F.R. 226.6(k)(9) makes provision for abbreviated administrative reviews. The administrative review official must limit the administrative review to a review of written submissions concerning the accuracy of the Child and Adult Care Food Program's determination if the application was denied or the Program proposes to terminate an institution's agreement, because of the circumstances described in 7 C.F.R. 226.6(k)(9)(i) through (iv).
2. The time period to file an appeal to request an administrative review of an action described in 7 C.F.R. § 226.6(k)(2) that is subject to administrative review by the state agency is fifteen (15) days after the notice of the action to be taken or action proposed, sent by certified mail return receipt, is received. The appeal request for administrative review must be in writing.
3. The address to file an appeal is as follows:

Edward J. Singley
Appeals and Hearings, Case Prep Unit
Tennessee Department of Human Services
400 Deaderick Street, 10th Floor
Nashville, Tennessee 37243
4. The receipt of the appeal requesting an administrative review must be acknowledged by the Department within ten (10) days of receiving the request. The appellant may retain legal counsel or may be represented by another person.
5. The appellant is allowed to inspect information on which the action was based. The information must be available for inspection from the date the appeal request is received.
6. The appellant may dispute the findings contained in the notice of action in person, or by submitting written documentation to the administrative review official. In order to be considered, written documentation must be submitted to the administrative review official not later than thirty (30) days after receipt of the notice of action. If the written request for administrative review does not specifically request a hearing, a review of written information in lieu of a hearing will occur.
7. At least ten (10) days advance notice of the hearing shall be given, if the appellant requested a hearing in the written appeal. The service of the advance notice of the hearing will be in accordance with State Rule 1240-5-4-.01.

8. The determination of the administrative review official must be based solely on the information provided by the Department, the appellant, Federal and State laws, regulations, policies, and procedures governing the Child and Adult Care Food Program.
9. The administrative review official must inform the appellant of the administrative review's outcome within sixty (60) days of the receipt of the appeal requesting administrative review. This sixty (60) day time frame is an administrative requirement and may not be used as a basis for overturning the action if the administrative decision is not made within this time frame.
10. 7 C.F.R. § 226.6(k)(10) requires the Child and Adult Care Food Program's action to remain in effect during the administrative review. 7 C.F.R. § 226.6(k)(10)(i) through (iii) describes actions of the Department that are permitted or prohibited during the pendency of the administrative review.
11. The determination made by the administrative review official is the final administrative determination provided under 7 C.F.R. § 226.6(k)(5)(x) and will become a Final Order and set forth the time limits for seeking judicial review.